

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOAQUIN ECHABARRIA,

Plaintiff,

v.

PPG INDUSTRIES, INC.

Defendant.

Case No. 1:23-cv-01634-JLT-CDB

ORDER REQUIRING PLAINTIFF
JOAQUIN ECHABARRIA TO SHOW
CAUSE WHY SANCTIONS SHOULD NOT
BE IMPOSED FOR FAILURE TO APPEAR
AT SCHEDULING CONFERENCE

(Docs. 4, 13)

ORDER RESETTING SCHEDULING
CONFERENCE

THREE (3)-DAY DEADLINE

On October 20, 2023, Plaintiff Joaquin Echabarria (“Plaintiff”) filed a complaint against Defendant PPG Industries Inc. (“Defendant”) in Kern County Superior Court. (Doc. 1). On November 21, 2023, Defendant removed the action to this Court. *Id.* That same day, the Court issued civil new case documents and set an initial scheduling conference for February 14, 2023, at 9:30 AM. (Doc. 4). On December 20, 2023, the parties filed a joint scheduling report. (Doc. 11). Thereafter, the parties filed an amended scheduling report on February 7, 2024. (Doc. 12).

On February 14, 2024, the Court convened for the scheduling conference via Zoom. (Doc. 13). Laura Elizabeth Devane appeared on behalf of Defendant. No counsel timely appeared for Plaintiff.

1 Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these Rules
2 or with any order of the Court may be grounds for imposition by the Court of any and all sanctions
3 . . . within the inherent power of the Court.” The Court has the inherent power to control its docket
4 and may, in the exercise of that power, impose sanctions where appropriate, including dismissal
5 of the action. *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000).

6 While the Court acknowledges that Plaintiff’s counsel transmitted an email communication
7 to the undersigned’s courtroom deputy shortly after the Court terminated the scheduling
8 conference to note he had technical issues and to express his apology, more is required. The
9 scheduling conference had been calendared well in advance, the courtroom deputy had provided
10 Zoom videoconference connection information to counsel in advance, and if counsel for Plaintiff
11 was unable to timely appear, he had a duty to contact the Court and/or other counsel prior to the
12 conference to request whatever information necessary to facilitate his appearance.

13 Accordingly, IT IS HEREBY ORDERED, Plaintiff shall show cause in writing within
14 three (3) days of entry of this order why sanctions should not be imposed for its failure to timely
15 appear at the scheduling conference.

16 Further, the scheduling conference is reset for February 21, 2024, at 9:30 AM. The parties
17 shall comply with all previously issued directions pertaining to attendance and participation at the
18 scheduling conference.

19 **Failure to comply with this order to show cause may result in the imposition of
20 sanctions.**

21 IT IS SO ORDERED.

22 Dated: February 14, 2024



UNITED STATES MAGISTRATE JUDGE

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